IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5006 OF 2005

Shri Sampatrao Dattatraya
Kalake & Ors. ..Petitioners.

Vs.

The Account Officer,
Audit Squad (Education
Deptt.), Kolhapur & Ors. ..Respondents.

Mr.R.V. More for the Petitioners.
Mrs.S.S.Bhende, AGP for the Respondents.

CORAM : F.I.REBELLO AND
DR. D.Y. CHANDRACHUD,JJ.
DATED : 12TH SEPTEMBER, 2005

P.C.:

Rule. Head forthwith.

2. The grievance of the Petitioners is that they have been denied senior scale of pay on the wrong interpretation of the G.R. issued by the Respondents. The Respondents have proceeded on the footing that the period of 12 years must be computed from the time the school received the aid.

3. The contention of the Petitioners is that receipt of aid is not material and what is material is the date of regular appointment in the school as both for aided and non-aided schools once the school is recognized the pay-scales to be paid are the same.

4. A similar issue had come up before a learned bench of this Court in Writ Petition No.4346 of 2000 which was disposed of by order dated 14th September, 2000. The learned Division Bench observed as under :

> "The Government Resolution nowhere prescribes that entire service of 12 years has to be in the aided school and therefore when the teachers are working in the said school they are entitled to revised pay scale after completion of 12 years."

5. We are in agreement with the proposition of law laid down in the said judgment. As noted by us earlier, the pay-scales of recognized and un-recognized schools are same whether aided or not. The period for considering 12 years service would be regular appointment in the school.

6. In the light of that, rule is made absolute in terms of prayer clause (b).

With the above observation, the Petition to stand disposed of.